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Administrator's Actions

- **Needed by November 19: Administrator's signature requested (OCIR):** Report to Congress - Great Lakes Restoration Initiative – pending Administrator signature (OCIR POC: Denis Borum, [[HYPERLINK "mailto:borum.denis@epa.gov"](mailto:borum.denis@epa.gov)], 202-527-1386)
- **Needed by November 19: Administrator's signature requested (OLEM):** Sandoval Zinc Superfund Site. OLEM submitted the package to request the Administrator's approval to issue for public comment the Proposed Plan for an Interim Record of Decision for this site. (OLEM-22-000-0576) (OLEM POC: Silvina Fonseca, [[HYPERLINK "mailto:fonseca.silvina@epa.gov"](mailto:fonseca.silvina@epa.gov)], 202-564-1955)
- **Needed by November 22: Administrator's signature to be requested (OP & OAR)** Additional Revised Air Quality Designations for the 2015 Ozone National Ambient Air Quality Standards: El Paso County, Texas, and Weld County, Colorado (Final rule). This final action revises the initial air quality designations for two counties associated with two nonattainment areas for the 2015 primary and secondary National Ambient Air Quality Standards (NAAQS) for ozone. (OAR POC: Mike Koerber, [[HYPERLINK "mailto:koerber.mike@epa.gov"](mailto:koerber.mike@epa.gov)], 919-450-6478) (OP POC: Bill Nickerson, [[HYPERLINK "mailto:Nickerson.William@epa.gov"](mailto:Nickerson.William@epa.gov)], 202-566-0326)
- **Needed by November 23: Administrator's signature requested (OMS & R5):** R5 Large Scale Award – Freedom of Information Act. (OMS POC: Cheri Hembrey, [[HYPERLINK "mailto:Hembrey.cheri@epa.gov"](mailto:Hembrey.cheri@epa.gov)], 202-564-6223)
- **Needed by November 23: Administrator's signature requested (OCIR & OMS):** Report to Congress - The Agency's Social Security Number Fraud Prevention Act of 2017 – 2021 Updated Plan, as required by the Social Security Number Fraud Prevention Act of 2017 (Public Law 115-59). This Report to Congress provides an update to the plan transmitted on **August 12, 2020**. (OCIR POC: Thea Williams, [[HYPERLINK "mailto:williams.thea@epa.gov"](mailto:williams.thea@epa.gov)], 202-713-7991) (OMS POC: Lee Kelly, [[HYPERLINK "mailto:Kelly.lee@epa.gov"](mailto:Kelly.lee@epa.gov)], 202-566-1197)
- **Needed by November 23: Administrator's signature requested (OMS):** Delegation of Authority 9-5, Conduct Annual Review, Determine Extension of Primary Revision, and Determine Compliance/Noncompliance with the Requirements for Primary Enforcement Responsibility. (OMS POC: Deborah Ward-Beard, [[HYPERLINK "mailto:beard.deborah-ward@epa.gov"](mailto:beard.deborah-ward@epa.gov)], 513-569-7766)
- **Needed by November 23: Deputy Administrator's signature requested (OMS):** The FY21 SES SL/ST Performance Review Package. (OMS POC: Lizabeth Engebretson, [[HYPERLINK "mailto:Engebretson.Lizabeth@epa.gov"](mailto:Engebretson.Lizabeth@epa.gov)], 202-805-4846)
- **Needed by November 30: Administrator's action requested (OCIR):** OCIR November 15 - OCIR request for senior leadership review of the OIG's Semiannual Report to Congress (**April 1 – September 30**) as required by the IG Act of 1978, as amended. The IG Act requires that the agency forward this report to Congress within 30 days and within that timeframe, gives the Administrator an opportunity to provide comments, concurrently, under separate cover. (OCIR POC: Christina Moody, [[HYPERLINK "mailto:moody.christina@epa.gov"](mailto:moody.christina@epa.gov)], 202-564-0260)
- **Needed by December 1: Administrator's signature to be requested (OP & OAR)** National Emission Standards for Hazardous Air Pollutants: Primary Copper Smelting Residual Risk and Technology Review and Primary Copper Smelting Area Source Technology Review (Proposed rule). This proposal presents the results of the EPA's residual risk and technology review (RTR) for the National Emission Standards for Hazardous Air Pollutants (NESHAP) for major source Primary Copper Smelters as required under the Clean Air Act (CAA). Pursuant to the CAA, this action also presents the results of the technology review for the Primary Copper Smelting area

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source NESHAP. (OP POC: Bill Nickerson, [HYPERLINK "mailto:Nickerson.William@epa.gov"], 202-566-0326)

- **Needed by December 1: Administrator's signature to be requested (OP & OW)** Revised Definition of "Waters of the United States" (Proposed rule). The Environmental Protection Agency and the Department of the Army ("the agencies") are publishing for public comment a proposed rule defining the scope of waters protected under the Clean Water Act. (OP POC: Bill Nickerson, [HYPERLINK "mailto:Nickerson.William@epa.gov"], 202-566-0326)
- **Needed by December 10: Administrator's signature requested (OCSPP):** With OMS to submit by **November 16** for Administrator signature by **December 10**. On **November 2**, OMS confirmed receipt of the OCSPP AA's request for a permanent EPA Delegation of Toxic Substances Control Act (TSCA) Section 14(d) authorities. As prescribed by the established Delegations process, OMS will complete the final submission, anticipated by **November 16** for Administrator signature by **December 10**. (OCSPP POC: Angela Hofmann, [HYPERLINK "mailto:hofmann.angela@epa.gov"], 202-564-0258)

Region 1

Acting Regional Administrator Signature Items

- On **November 10**, R1 signed an action that proposes to update the requirements of the OCS Air Regulations applying to OCS sources located within 25 miles of states' seaward boundaries. (R1 POC: Lynne Hamjian, [HYPERLINK "mailto:Hamjian.lynne@epa.gov"], 617- 918-1601)

Hot Topics

- On **November 5**, R1 received a Notice of Intent (NOI) from Revolution Wind, LLC for a project consisting of 100 wind turbine generators and two offshore substations capable of supplying up to 880 MW to Rhode Island. The Revolution Wind project needs to obtain an OCS Air Permit for emissions that meet the definition of an OCS Source and it must be submitted within 18 months of receipt of the NOI.
- On **November 8**, the draft final NPDES permit and response to comments for Seaman Paper, Templeton, MA was sent to the state for review. Comments are due **December 3**.
- On **November 9**, the final NPDES permit for the Ashland, NH WWTF was signed.
- On **November 9**, a public notice for the draft NPDES permit for Chang Farms, Whately, MA was initiated. The comment period ends on **December 8**.
- On **November 10**, EPA finalized a settlement with APlus Truck Sales, Inc. of Windham, ME resolving alleged violations of the CAA from the sale and installation of aftermarket emission control defeat devices for use on motor vehicles and motor vehicle engines. APlus Trucks has certified to EPA that it has ceased the sale and installation of such defeat devices and has agreed to a \$75,000 penalty.
- On **November 9**, R1 met with offshore wind developer Orsted. Orsted supported EPA's decision to eliminate the requirement for construction offsets in the South Fork Wind draft permit. Orsted expressed concerns about construction and financing deadlines for the South Fork Wind project and how a challenge to the permit could interfere with these deadlines. They asked to be made aware of

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any adverse comments made during the public comment period and EPA agreed to make comments publicly available after the close of the public comment period.

- On **November 10**, R1 met with Vermont DEC to discuss EPA's major findings for the FY18-FY22 NPDES Permit Quality Review (PQR). The region identified four major findings: 1) incomplete permit applications, 2) lack of ambient data to conduct reasonable potential analysis, 3) lack of whole effluent toxicity (WET) data, and 4) inconsistent application of procedures for reasonable potential analysis. Since some of these findings were raised in the last PQR as deficiencies, the region is planning to work with the state to establish a robust corrective action plan.

Region 2

Hot Topics

- **Limetree Bay Refinery, St. Croix, USVI: *Bankruptcy Sale*:** The Limetree Bay Refinery bankruptcy proceeding is in the final stages. On **November 14** St. Croix Energy (SCE), an investor group, was identified as the only firm to have submitted a bid to buy the refinery. SCE offered to buy the facility as a "going concern" for \$20 million.

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC) An auction is scheduled for **November 18** to see if other bidders step up with a better offer.

Ex. 5 Attorney Client (AC)

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Ex. 5 Attorney Client (AC)

Monitoring: No activities are taking place at the refinery, and hydrocarbon purging is postponed indefinitely. We are therefore turning over to Limetree the responsibility of doing ambient air monitoring for H₂S and SO₂, and we are demobilizing our own monitoring equipment and staff that we have had there since May (at a cost of about \$20,000/week). Limetree's new monitors have run side-by-side with EPAs for the past three weeks, and the results are fully consistent. We will be receiving the data from Limetree's monitors in real time.

- **NJDEP Interim Specific Groundwater Quality Standard for PFAS Replacement Compounds:** High levels of PFAS replacement compounds known as chloroperfluoropolyether carboxylates (CIPFPECA) have been identified through the NJDEP/ORD/R2 PFAS Fingerprinting Collaborative Effort in southwestern New Jersey. NJDEP will therefore be establishing an Interim Specific Groundwater Quality Standard (ISGQS) for all CIPFPECA congeners, which will be set at 2 ppt (i.e., 2 ppt is the sum of the congeners). CIPFPECA is described in the literature as "Solvay's product (CAS No. 329238-24-6)." The CIPFPECA ISGQS of 2 ppt is anticipated to be published in **December**.

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- **EJ Petition to Administrator Concerning Toa Alta Landfill, PR:** On **November 11** Miguel Roman, a lawyer representing three residents of Toa Alta, PR, submitted an EJ petition to the Administrator Regan. The petition was signed by some 50 local residents and was copied to five members of the White House EJ Advisory Council. The petition noted that the municipality has a poverty rate of 29.4 % and cited the community's exposure to toxins via air emissions and the existence of contaminated land, leachate entering the aquifer and flowing onto neighboring properties, and disease vectors. The petition faulted EPA for a lack of commitment and action, claimed that the United States' lawsuit against Toa Alta was stalled, and criticized EPA for deferring to the PR government. Matthew Tejada, Director of EPA's Office of Environmental Justice, acknowledged receipt of the petition and indicated that EPA would respond.

Miscellaneous

- **Long Island Sound Futures Fund Project Event:** On **November 10**, Alyssa Arcaya, R2 WD Deputy Director attended an event by The Trust for Public Land, in partnership with EPA, New York City's Department of Environmental Protection, and the National Fish and Wildlife Foundation (NFWF) to announce the opening of a newly renovated community schoolyard at the Elmhurst Educational Campus. This new parkland serves a diverse population at the schools, where 71% and 98% of students identify as Black, Hispanic, or Asian and 40% of families fall below the Federal Poverty Level. Green infrastructure elements like permeable pavers will capture 1.7 million gallons of stormwater each year, helping to reduce neighborhood flooding and improve the health of Flushing Bay. The project received nearly \$200,000 in EPA funding through the Long Island Sound Futures Fund administered for EPA by NFWF.

Region 3

Regional Administrator Signature Items

- On **November 9**, Annual Monitoring Network Plans for Delaware, District of Columbia, Maryland, City of Philadelphia, Virginia, and West Virginia. (R3 POC: Cristina Fernandez, [[HYPERLINK "mailto:fernandez.cristina@epa.gov"](mailto:fernandez.cristina@epa.gov)], 215-814-2178)
- On November 15, Final Close Out Report for C&R Battery Co., Inc. Superfund Site., (R3 POC: Paul Leonard, [[HYPERLINK "mailto:Leonard.Paul@epa.gov"](mailto:Leonard.Paul@epa.gov)], 215-814-3350)
- On **November 16**, the RA signed the Georgetown North Groundwater Site request for Delaware Governor's Concurrence Letter. (R3 POC: Linda Dietz, [[HYPERLINK "mailto:Dietz.Linda@epa.gov"](mailto:Dietz.Linda@epa.gov)], 215-814-3195)
- On **November 16**, the DRA signed the CDGE Toomey Congressional Response FIFRA Fines to CDG Environmental LLC. (R3 POC: Karen Melvin, [[HYPERLINK "mailto:Melvin.Karen@epa.gov"](mailto:Melvin.Karen@epa.gov)], 215-814-3275)

Hot Topics

- **Air Plan Approval; Pennsylvania; Reasonably Available Control Technology (RACT) Determinations for Case-by-Case Sources under the 1997 and 2008 8-Hour Ozone National**

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Ambient Air Quality Standards – EPA is approving revisions to the Commonwealth of Pennsylvania's state implementation plan (SIP).

- **Update on SDWA Emergency Order Issued to Clarksburg Water Board for Actionable Lead Levels Found in Drinking Water** – (WV) – On **July 14**, with the support and at the request of the West Virginia Department of Health and Human Resources (WVDHHR), EPA R3 issued an emergency Administrative Order to Clarksburg Water Board (CWB) in Clarksburg, WV in response to elevated lead levels found in tap water.
- **MS4 Permits Reissued in Maryland** – The Maryland Department of the Environment (MDE) has reached a final determination to reissue NPDES Phase I Municipal Separate Storm Sewer System (MS4) permits to Anne Arundel County, Baltimore City, Baltimore County, and Montgomery County. All working toward meeting TMDL wasteload allocations for local waterbodies and the Chesapeake Bay.
- **EPA, NFWF to Announce Grants to Benefit Pennsylvania and the Chesapeake Bay** – EPA and the National Fish and Wildlife Foundation (NFWF) will hold a virtual press conference on Wednesday, **November 17** to announce more than \$2.5 million for 10 grants in areas of Pennsylvania that will provide the greatest clean water benefit to the downstream Chesapeake Bay.
- **EJSCREEN Batch Review of Lead Paint Hazards in WV Communities** – R3 recently completed an extensive EJSCREEN review for lead paint in WV communities to identify potential lead paint hazards among vulnerable populations.

Region 4

Acting Regional Administrator Signature Items

- On **November 12**, Acting DRA Monell signed a letter to Secretary Hamilton of FDEP transmitting EPA's interim review of Florida's annual report on their Section 404 Program. (R4 POC: Jeaneanne Gettle, [[HYPERLINK "mailto:gettle.jeaneanne@epa.gov"](mailto:gettle.jeaneanne@epa.gov)], 404-562-8979)

Hot Topics

- **Catawba Indian Nation (CIN) and the SC Department of Health and Environmental Control (SC DHEC) Consultation Meeting:** On **November 9**, R4 served as convenors for the initial consultation for the CIN and SC DHEC regarding the status of actions at the New Indy facility. SC DHEC committed to continue to engage with CIN and attend an upcoming public meeting scheduled for **November 30**.
- **Natural Resources Damage Assessment Mississippi Trustee Implementation Group (MS TIG):** The MS TIG Annual Meeting was held on **November 9** and Governor Tate Reeves announced \$62M in funding for new RESTORE Act projects. Additionally, R4 will conduct Upper Pascagoula water quality monitoring on **November 15 - 17**.
- **Coal Combustion Residuals Permit Program (CCRPP)-AL:** R4 met with the Alabama Department of Environmental Management (ADEM) on **November 10** to discuss its CCRPP application, which they plan to submit in December 2021.

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- **Florida assumption:** Florida filed a **November 4** brief with the U.S. District Court for the District of Columbia, requesting the court to disregard the vacatur of the Navigable Waters Protection Rule with respect to litigation brought by the Center for Biological Diversity challenging EPA's approval of Florida 404 assumption.

Miscellaneous

- **Journey to Justice Trip, Jackson, MS:** On **November 15**, Acting RA Blevins and the R4 PAD traveled to Jackson, MS to accompany Administrator Regan as he met with community members and City and State officials.
- **Catawba Indian Nation Clean Water Indian Set-Aside Grant Dispute:** The Dispute Decision Official's (DDO) decision in the Catawba Indian Nation (CIN) appeal of the 2019 agency final decision has been denied. The DDO affirms the agency's downward adjustment of disallowed costs in the amount of \$244,928.95. Catawba may request reconsideration of the decision within 15 calendar days of **November 3**. On **November 8**, CIN contacted R4 to move forward with discussions to finalize terms for a repayment plan.

Region 5

Regional Administrator Signature Items

- The RA is scheduled to sign a *Federal Register* notice correcting errors made in the codification of EPA's **August 13** approval of Illinois's moderate VOC RACT requirements of the Clean Air Act for the 2008 Ozone NAAQS. (R5 POC: John Mooney, [[HYPERLINK "mailto:mooney.john@epa.gov"](mailto:mooney.john@epa.gov)], 312-886-6043)
- The RA is scheduled to sign a *Federal Register* notice approving revisions to Wisconsin's Definition Rules, Minor Construction Permit Rules, and Operating Permit Rules. (R5 POC: John Mooney, [[HYPERLINK "mailto:mooney.john@epa.gov"](mailto:mooney.john@epa.gov)], 312-886-6043)
- The RA is scheduled to sign a *Federal Register* notice proposing partial disapproval and partial approval of the Muskingum River, Ohio, SO2 attainment plan. (R5 POC: John Mooney, [[HYPERLINK "mailto:mooney.john@epa.gov"](mailto:mooney.john@epa.gov)], 312-886-6043)
- The RA is scheduled to sign a letter approving Red Lake Band of Chippewa's TAS application for the CWA 303(c)/401 water quality standards and certification programs for the Red Lake Band of Chippewa Indians of Minnesota. (R5 POC: Tera Fong, [[HYPERLINK "mailto:fong.tera@epa.gov"](mailto:fong.tera@epa.gov)], 312-886-6735)

Ex. 5 Deliberative Process (DP)

- [<mailto:nam.ed@epa.gov>], 312-353-2192)
- The RA is scheduled to sign an amendment to the GLLA project agreement between EPA and the Minnesota Pollution Control Agency for remediation and habitat restoration at the Ponds Behind

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Erie Pier site in the St. Louis River AOC in Duluth, Minnesota. (R5 POC: Chris Korleski, [HYPERLINK "mailto:korleski.christopher@epa.gov"], 312-353-8320)

Hot Topics

- On **November 9**, EPA and Michigan Department of Health and Human Services launched a study on the effectiveness of lead-reducing filters in Benton Harbor. Samples were taken from 21 homes last week, with 64 others scheduled and an aim to complete about 100 prior to Thanksgiving. Up to 300 homes will be sampled in total during the study.
- On **November 15**, Michigan EGLE issued a minor source construction permit for Ajax, a hot-mix asphalt plant on the border of Flint. R5 had previously sent a letter to EGLE describing actions the state should take to address EJ considerations, and the state strengthened several aspects of the permit in response. With the issuance of the permit, the state also sent a letter asking EPA to conduct additional review of the permit in relation to federal authorities and generally seeking Agency assistance in providing tools and strategies to improve public health in at-risk communities.
- At the request of Michigan EGLE, R5 is sending its GMAP air-monitoring vehicle to collect real-time hydrogen sulfide and VOC data near the Stellantis (formerly Fiat-Chrysler) Mack Avenue auto assembly plant in Detroit. In recent weeks, residents have complained about odors from the facility. EGLE has recently issued three violation notices to the source related to odors and improperly installed equipment. The Great Lakes Environmental Law Center recently filed a Title VI complaint which is undergoing review by ECRCO.

Region 6

Acting Regional Administrator Signature Items

- By **November 19**, R6 will respond to correspondence, received by both the EPA HQs and R6 from Congressman Henry Cuellar, regarding EtO air emissions from Midwest Sterilization Corp. located in Laredo, TX. (R6 POC: David Gray, [HYPERLINK "mailto:gray.david@epa.gov"], 214-789-2619)
- By **November 19**, R6 will respond to correspondence, received by both EPA HQs and R6 from Vanessa Perez, Laredo City Council Member, District VII and Tricia Cortez, Executive Director, Rio Grande International Study Center (RGISC) regarding EtO air emissions from Midwest Sterilization Corp. located in Laredo, TX. (R6 POC: David Gray, [HYPERLINK "mailto:gray.david@epa.gov"], 214-789-2619)

Hot Topics

- **Union Pacific Railroad, Houston, Texas:** On **December 7**, EPA contractor will give a presentation on the contamination and cleanup activities at the Union Pacific Railroad site during the Kashmere Gardens community meeting.
- **Muscogee Tribe, Oklahoma:** On **November 30**, R6 will consult with the Muscogee Tribe on the approval of the Oklahoma Department of Environmental Quality's 2021 Annual Monitoring Network Plan and acknowledgement of the SO₂ annual report.

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- **Denka Performance Elastomer, LaPlace, Louisiana:** Denka continues to take steps to implement fenceline air monitoring. Denka estimates the monitoring will be fully operational by the end of **January 2022**.
- **NESHAP Delegation, Arkansas:** By **November 17**, R6 expects to approve the delegation of Part 63 NESHAP standards adopted by the Arkansas Department of Environmental Quality.
- **Local Foods, Local Places, Tulsa, Oklahoma:** The Local Foods, Local Places virtual workshop for Tulsa is scheduled for **November 15 - 17**.
- **November 16 - 19:** Administrator Regan tour of EJ communities in Louisiana and Houston
- **December 2:** Regional Tribal Operations Committee Meeting

Region 7

Hot Topics

- On **November 14**, a BSNF train derailed after it impacted a barge owned by Southern Towing on the Mississippi River. There were no injuries. The barge involved in the collision was carrying liquid urea, which was not released. Two locomotives carrying up to 2,300 gallons of diesel and five hopper cars full of approximately 117 tons of coal each derailed. Two train cars are in the Mississippi River; one completely submerged. BNSF is mounting a significant response to remove the derailed equipment and fix the tracks. Once the locomotives are removed, coal recovery will begin using long-reach excavators and possibly a dredge barge. BNSF has received an emergency permit from USACE to remove coal from the river. BNSF crews placed containment and collection boom on the Mississippi River and recovered approximately 200-gallons of diesel/water mixture. BNSF used unmanned aerial systems and crews in boats to monitor downstream conditions and have collected surface water samples upstream and downstream of the incident. Once available, they will share the results of the analyses with R7 and the Iowa Department of Natural Resources (IDNR). R7 has been in coordination with the IDNR regarding the derailment and alerted R5 regarding two drinking water intakes on the Illinois side of the river about 6 miles downstream. R7 staff are currently stationed on site and in the U.S. Coast Guard command center.
- On **November 16**, R7 will present at the virtual Missouri Organization of Recyclers Conference on Sustainable Materials Management and Pollution Prevention Regional activities and plans.
- On **November 17 - 18**, R7 will present at the virtual R7 Pollution Prevention (P2) Roundtable on Pollution Prevention Regional activities and plans.
- On **November 18**, a public availability session and public hearing will be held virtually regarding R7's proposed approval of a request by the Occidental Chemical Corporation to reissue their existing no migration petition, which allows for the disposal of certain restricted hazardous wastes into injection wells located at the company's facilities in Wichita, Kansas. The proposed approval is subject to a public comment period from **October 15** through **December 3**.
- On **November 18**, OCSPP Deputy Assistant Administrator Rick Keigwin will join R7 for Trade Talk at the National Association of Farm Broadcasting's annual convention in Kansas City, Missouri. This is R7's premier media outreach event of the year, with 2021 marking our nineteenth year of participation. Agricultural broadcasters and other reporters from around the country join Trade Talk to interview experts on newsworthy issues impacting farmers, ranchers, and rural communities. DAA Keigwin and Acting RA Chu will also engage with key stakeholders attending the event, which could include the National and State Farm Bureaus, National Corn Growers

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Association, National Farmers Union, the U.S Department of Agriculture, and industry representatives.

Region 8

Hot Topics

- **Availability of the Beta Streamflow Duration Assessment Method for the Western Mountains.** EPA Regions 6, 8, and 9, and the U.S. Army Corps of Engineers (Corps) South Pacific Division and the Corps Omaha District are issuing a joint Public Notice to announce the availability of the beta Streamflow Duration Assessment Method for the Western Mountains (SDAM WM). SDAMs are rapid field-based tools that use physical and/or biological indicators to classify streamflow duration as perennial, intermittent, or ephemeral at the reach scale. Regional and District staff plan to provide training opportunities for internal and external users.
- **Meeting on Environmental Justice with Representative DeGette's Staff.** On **December 1**, R8's EJ Coordinator is scheduled to meet with staff from Congresswoman DeGette's office regarding environmental justice at EPA. The meeting is in response to a request made by the Congresswoman's staff, Nikki Roy and Jack Murphy, to R8's Congressional Liaison. The Congresswoman's staff expressed an interest in learning more about EJ at EPA and R8. They also expressed interest in the Swansea-Elyria and Globeville neighborhoods in North Denver.
- **CDPHE/EPA R8 Hold EJ Coordination Meeting.** On **November 4**, R8 met with the Colorado Department of Public Health and Environment (CDPHE) to discuss issues of mutual interest to the two EJ programs. CDPHE discussed its interest in partnering with community organizations and community leaders to apply for an ARP Community Air Monitoring Grant. CDPHE shared progress that has been made on: Environmental Justice Advisory Board appointments; Environmental Justice Action Task Force appointments; Environmental Justice Ombudsperson hiring; and Colorado EnviroScreen development.
- **R8 Completed "Enhancing Lead-Safe Work Practices through Education and Outreach" (ELSWPEO) Project in North Dakota.** The R8 project is one of 12 projects sponsored by the Agency's new [HYPERLINK "https://www.epa.gov/newsreleases/epa-launches-nationwide-initiative-reduce-lead-exposure-underserved-communities"\h] to reduce lead exposure in underserved communities and is the only tribal-focused effort. The project offers one free Renovation, Repair, and Painting (RRP) Certification course and promotes creating lead poisoning prevention champions via the Tribal Lead Curriculum Train-the-Trainer course. The Free RRP Certification course was delivered in Bismarck, North Dakota on **October 30**.
- **Brownfields and ULC Partnership - Bringing Affordable Nonprofit Office Space and Housing Opportunities to the Denver Metro Area.** Following EPA's Targeted Brownfields Assessment assistance, the Urban Land Conservancy (ULC) purchased the Citywide Bank Building on the East Colfax corridor in Aurora. Once cleanup is completed, ULC plans to lease the office space to nonprofits and other mission-minded organizations at below-market rates. Additionally, ULC anticipates developing affordable housing opportunities on the underutilized

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south section of the property. The Citywide Building will be one of seven affordable office properties across the Metro Denver Region purchased and developed by ULC, all of which have enlisted the Region's TBA program for assessment assistance. The EPA Brownfields program and ULC have developed a partnership that provides affordable spaces for nonprofits and housing for lower income individuals and families across Denver.

- **R8 to Celebrate American Recycles Day (ARD) R8 is planning** variety of outreach activities throughout the week of **November 15**, to recognize America Recycles Day. R8 will amplify a "recycling relay" on Facebook and Region 8 will share its recycling video on social media. R8 will issue a press release to highlight its FY21 SMM Grant awards totaling \$40,000 to Park City, UT, and the Center for EcoTechnology.
- **R8 Tribal Drinking Water – Voluntary PFAS and Mn sampling to begin** R8 is using PFAS/Emerging Contaminant funds for the collection and analysis of PFAS and manganese samples at groundwater tribal systems who have agreed to participate in voluntary sampling. Region 8 is using the Tribal Circuit Rider contract to perform sampling, which will begin in November 2021. Samples will be collected at the entry point to the distribution system (i.e., treated water) Tribal systems from the following tribes/reservations volunteered to participate Blackfeet, Fort Belknap, Northern Cheyenne, Spirit Lake, Crow Creek, U&O, Ute Mountain, Wind River and Yankton. Sample results will be communicated to the Tribal water utilities and Public Notices will be published if detected levels are above existing EPA health advisories.

Region 9

Acting Regional Administrator Signature Items

Clean Air Act Federal Register Notices (CA)

- The acting RA intends to sign a Federal Register notice finalizing approval of the Moderate area plan for San Joaquin Valley's 2012 annual PM2.5 standard and its reclassification to Serious nonattainment. We are also disapproving the contingency measure requirements for the 2012 annual and the 2006 24-hour PM2.5 standards. (R9 POC: Matt Lakin, [[HYPERLINK "mailto:Lakin.Matthew@epa.gov"](mailto:Lakin.Matthew@epa.gov)], 415-972-3851)

Hot Topics

U.S.-Mexico Transboundary Pollution

- Last week, we finalized environmental review of several projects partially funded by the Mexican Government that coordinate with those funded under USMCA, including rehabilitation of wastewater lift stations in Tijuana.
- This week, we will present to the San Diego Association of Governments a brief report on the San Diego-Tijuana transboundary water pollution issue. The SANDAG serves as the forum for regional decision-making among elected officials from San Diego and neighboring counties, tribal governments, and Mexico.
- On **November 22**, Administrator Regan and Ambassador Salazar will visit Tijuana and San Diego to meet with high-level Mexican environmental and foreign affairs officials, the new

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Governor of the State of Baja California, and members of Congress. There will also be an engagement with U.S.-side local elected officials.

Meeting with Representative Kahele and County of Hawaii Mayor on Wastewater

- This week, we will meet with Representative Kai Kahele, Mayor Mitch Roth and Director Ramzi Mansour of the County of Hawaii and local residents to discuss wastewater compliance in the County of Hawaii. On **November 4**, we issued a demand letter for \$28,500 in stipulated penalties to the County for its failure to meet a requirement pursuant to a 2017 Safe Drinking Water Act Administrative Order on Consent.

Tribal Delegations, Consultation Offers, and Consultative Engagements

- Last week, we approved Treatment as a State financial assistance eligibility for the Chicken Ranch Rancheria of Me-Wuk Indians in Tuolumne, CA, providing the tribe first-time access to CWA funding. They are the 113th Region 9 tribe with this approval.
- This week, we will consult with the Navajo Nation on the latest draft of the proposed Tronox Allocation Methodology Strategy, developed in response to an Office of Inspector General 2018 Report.
- We invited the Torres Martinez Desert Cahuilla Indians to consult on an application for an air permit for a proposed project to construct and operate a tire recycling plant on tribal trust lands.
- We invited eight neighboring tribes to consult on The Rincon Band of Luiseño Indians' water quality standards.

Region 10

Acting Regional Administrator Signature Items

- **November 9** - Response to Bristol Bay Regional Seafood Development Assoc., Commercial Fishermen, and Reserve Assoc. re: CWA Section 404(c) authority to protect Bristol Bay. (R10 POC: Lucy Edmondson, [[HYPERLINK "mailto:Edmondson.Lucy@epa.gov"](mailto:Edmondson.Lucy@epa.gov)], 206-735-5301)
- **November 12** - Response to Friends of Toppenish Creek: acknowledge receipt, petition for SDWA Section 1431 authority to address nitrate contamination in the Yakima Valley, WA. (R10 POC: Lucy Edmondson, [[HYPERLINK "mailto:Edmondson.Lucy@epa.gov"](mailto:Edmondson.Lucy@epa.gov)], 206-735-5301)
- **November 15** - Response to Spokane River Regional Toxics Task Force re: status of EPA research on additional health assessment data for certain PCB congeners and Aroclors. (R10 POC: Lucy Edmondson, [[HYPERLINK "mailto:Edmondson.Lucy@epa.gov"](mailto:Edmondson.Lucy@epa.gov)], 206-735-5301)

Hot Topics

- **Bristol Bay Clean Water Act 404(c) “Good Cause” Federal Register Notice (AK):** This week R10 expects to sign a FR notice extending the schedule for the CWA Section 404(c) process for the Bristol Bay Watershed through **May 31, 2022**. On **October 29**, the Alaska District Court granted EPA’s motion for remand and vacatur, restoring our 2014 Preliminary Determination for the Bristol Bay Watershed and reinitiating the 404(c) process. Regulations allow the Regional

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Administrator to extend regulatory deadlines upon a showing of good cause, which is based upon the substantial new information available since 2014 that should be considered in determining next steps.

Miscellaneous

- **Meeting Re: Corrosion Control and Lead Water Levels in Portland Water Bureau's system (OR):** On **November 29** R10 staff will meet with the Oregon Health Authority and Portland Water Bureau regarding their progress towards placing corrosion control online and interim steps to protect public health while the optimum corrosion control is pending. The Portland Water Bureau is in compliance with the lead and copper rule, but the Bureau's water is corrosive and has 90th percentile levels of approximately 13ppb (action level is 15 ppb). The discussion will include what more the city and/or the state may be doing for homes that have individual values above the action level.
- **Meeting with ADEC and Ketchikan Regarding Water Filtration (AK):** On **November 16** R10 staff are meeting with Alaska Department of Environmental Conservation and the City of Ketchikan to discuss the SDWA requirements for use of the Limited Alternative to Filtration. Ketchikan is under a ADEC compliance order to install filtration or produce a sufficient case that they can be exempt. EPA has been providing technical support to ADEC.
- **Shoshone-Bannock Tribes Water Quality Standards (ID):** The Shoshone Bannock Tribes plan to public notice a proposed WQS package, from **November 18, 2021** to **January 17, 2022**. The Tribes' received approval from EPA for treatment in a similar manner as a state in 2008. R10 will review the proposal and submit comments as appropriate.

Office and Air and Radiation

Hot Topics

- On **November 15**, EPA's Scientific Advisory Board (SAB) Staff Office published a notice requesting nominations of scientific experts for the Clean Air Scientific Advisory Committee (CASAC) Ozone Panel. This panel will provide advice through the chartered CASAC on policy-relevant science for the agency's reconsideration of the Ozone National Ambient Air Quality Standards (NAAQS).
- As early as **November 18**, EPA anticipates announcing over \$77 million in Diesel Emission Reduction Act (DERA) grants awarded to projects that reduce diesel emissions from the nation's existing fleet of older, dirtier engines and vehicles. The projects funded include retrofitting or replacing legacy school buses, transit buses, heavy-duty diesel trucks, marine engines, locomotives, and other heavy-duty equipment with new, cleaner technologies.
- As early as **November 18**, EPA will release the annual Automotive Trends Report to provide the public with information about new light-duty vehicle greenhouse gas (GHG) emissions, fuel economy, technology data, and auto manufacturers' performance in meeting the agency's GHG emissions standards. The report shows that fuel economy for the U.S. fleet increased slightly and

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the automobile industry used a combination of technology and credits to achieve compliance in 2020.

- As early as **November 19**, OAR anticipates sending to OMB for interagency review the proposed rule, Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards. In response to Executive Order 14037, EPA is proposing a rulemaking to establish new multipollutant standards for heavy-duty engines and vehicles beginning with model year 2027.
- As early as **November 19**, EPA will celebrate the 10th anniversary of the ENERGY STAR industrial challenge. Through the ENERGY STAR Challenge for Industry, manufacturing plants agreed to reduce energy intensity by 10% within five years. Since 2010, more than 150 manufacturing companies have taken the pledge on behalf of more than 1,800 manufacturing plants. Participating plants can be found in nearly every state and more than 60 countries around the world. Plants represent dozens of industrial sectors, including automobile manufacturing, paper milling, bread and roll bakeries, pharmaceuticals, cement, glass, electronics, and textiles.
- On **November 16** and **November 18**, OAR, OECA, and Customs and Border Patrol (CBP) will jointly host webinars on the American Innovation and Manufacturing (AIM) Act and Hydrofluorocarbon (HFC) Allocation Final Rule for importers/exporters of HFCs.
- **November 17 through November 19**, the Clean Air Scientific Advisory Committee (CASAC) and the Particulate Matter (PM) Panel are meeting to discuss the draft Supplement to the 2019 Integrated Science Assessment (ISA) for PM. This supplement, which is being developed as part of EPA's reconsideration of the December 2020 decision to retain the PM National Ambient Air Quality Standards (NAAQS), represents the Agency's targeted evaluation of the scientific literature on potential health and welfare effects associated with PM published since the literature cutoff date of the 2019 PM ISA.
- On **November 18**, the Responsible Appliance Disposal (RAD) Program Awards Ceremony will be held virtually. It will recognize 14 partners in three categories: Ten partners are being recognized for their accomplishments in reducing ozone-depleting substances (ODS) and greenhouse gas (GHG) emissions through recovering insulation foam from 100% of the old appliances they collected, three partners for their significant growth of their appliance recycling programs, and one for demonstrating a notable commitment to advancing the goals of the RAD program.

Office of the Chief Financial Officer

Hot Topics

- On **November 15**, the agency issued to the President and Congress and made the [HYPERLINK "https://www.epa.gov/system/files/documents/2021-11/epa-fy-2021-afr.pdf"] available to the public on the EPA's website. The AFR summarizes the EPA's FY 2021 financial results and includes the Administrator's message and assurance statement as well as the OIG's Financial Statement Audit Report. For the 22nd consecutive year, EPA received an unqualified ("clean") opinion -- the highest designation an agency can receive -- from the OIG on our consolidated financial statements.
- OCFO is working closely with key senior officials and program offices to plan implementation of the Infrastructure bill, signed into law by the President on **November 15**. OCFO is scheduling planning meetings with relevant NPMs starting this week. In addition to continuing development of the unprecedented Infrastructure Risk & Program Integrity Framework, OCFO plans to issue a data call to lead NPMs to gather detail to develop the Spend (Operating) Plan that will be due to OMB

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by mid-February. OCFO is developing the detailed Spend (Operating) Plan to obtain apportionments and make funds available to the agency once both are approved by OMB.

- Later this week, OCFO expects to provide the draft e-Enterprise for the Environment Bulletin to OPA for review by **December 1** with issuance by **December 14**. The draft Bulletin covers the EELC October meeting and various other E-Enterprise projects and activities.
- By **November 24**, program leads for goals, objectives, and cross-agency strategies, working with lead regions, should provide responses to public comments received on the [HYPERLINK "https://www.epa.gov/planandbudget/strategicplan"] in the Comment Tracking Tool and make any changes to the *Draft Strategic Plan* on the Strategic Plan SharePoint site, consistent with the email sent by the CFO on **November 8**. On **November 12**, the public comment and tribal consultation period on the *Draft FY 2022-2026 EPA Strategic Plan* closed. The agency has received 122 sets of public comments and no requests for tribal consultation.
- On **November 29**, final DAA-approved FY 2021 Agency Performance Report submissions are due to OCFO. The APR will present detailed performance results as measured against the targets established in EPA's FY 2021 Annual Performance Plan (APP) and will be available to the public on EPA's website in early February.

Miscellaneous

- On **November 18**, OCFO will provide a briefing to the Federal Program and Project Management Community of Practice (FedPM CoP) on EPA's Lean management system as requested by the FedPM CoP facilitator. The briefing will include an overview of the EPA's system and activities/tools used to support and improve project and program management.
- On **November 24**, OCFO will meet with the primary environmental regulator for New South Wales, Australia, in an ongoing, quarterly benchmarking effort, which the agency and EPA NSW jointly agreed would be mutually beneficial. In this meeting, the NSW Environment Protection Authority and OCFO plan to discuss key activities from the last few months, priorities for the next quarter, and lessons learned related to continuous improvement.

Office of Congressional and Intergovernmental Relations

Hot Topics

- **November 15** - Senate EPW majority staff briefing on ELG w/OW
- **November 16** – Sen. Sullivan (AK) staff briefing request on SOS 2.0 w/OW, ORD, OITA
- **November 16** – Appropriations staff briefing on PFAS Roadmap w/OW,
- **November 16 - 18** - Executive Management Council (EMC) meeting.
- **November 17**- Bipartisan, bicameral Congressional appropriations staff briefing on Harmful Algal Blooms (HABs).
- **November 18 (tent.)** – House E&C minority staff briefing on water sector cybersecurity w/OW
- **November 19** – House Oversight and House Science briefing requests on chlorpyrifos w/OCSP

Office of Chemical Safety and Pollution Prevention

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Assistant Administrator Signature Items

- **AA Signed on November 10 (OCSPP):** Response letter and accompanying Federal Register notice responding to a TSCA Section 21 petition requesting rulemakings under TSCA Section 6 for chemicals in cosmetics. By statute, EPA must respond to a petition filed under TSCA Section 21 within 90 days of receipt, in this case, by **November 14**. (OCSPP POC: Angela Hofmann, [HYPERLINK "mailto:hofmann.angela@epa.gov"], 202-564-0258).
- **Pending AA Signature in November (OCSPP):** Internal memo to redelegate the authorities associated with issuance and management of individual Test Orders under TSCA Section 4 to the Deputy Office Director of OPPT. (OCSPP POC: Angela Hofmann, [HYPERLINK "mailto:hofmann.angela@epa.gov"], 202-564-0258).
- **Pending AA Signature by November 19 (OCSPP):** Final rule to add natural gas processing (NGP) facilities (also known as natural gas liquid extraction facilities) to the scope of the industrial sectors covered by the reporting requirements of EPCRA Section 313, commonly known as the Toxics Release Inventory (TRI). (OCSPP POC: Angela Hofmann, [HYPERLINK "mailto:hofmann.angela@epa.gov"], 202-564-0258).

Hot Topics

- EPA will indefinitely **extend the activation of its Emerging Viral Pathogens (EVP) guidance for SARS-CoV-2**. EPA activated its EVP guidance for antimicrobial pesticides for the first time in January 2020, in response to the emergence of SARS-CoV-2, the virus that causes COVID-19. For more than 12 months, EPA allowed for expedited review and approval of surface disinfectant products for use against SARS-CoV-2, including accelerated review for products seeking to add EVP claims to product labels. Registrants typically must remove EVP claims from consumer messaging no later than 24 months after the original notification of the outbreak, unless directed otherwise by EPA. Recognizing that public health concerns due to COVID-19 are ongoing and registrants have made changes to product marketing materials based on EVP guidance, EPA will provide a notification at least six months before inactivating the guidance for SARS-CoV-2.
- EPA will announce **changes to the fee requirements under the Toxic Substances Control Act (TSCA)** to account for inflation. TSCA directs EPA to adjust the fees for inflation every three years. The inflation adjustment of 18.9% will go into effect on **January 1, 2022** and will apply to all TSCA fees. However, EPA plans to revise the fees via rulemaking before fees are assessed for the next group of EPA-initiated risk evaluations. The TSCA program has been and remains incredibly underfunded. The 2016 amendments to TSCA provided EPA with expanded authority to collect fees from chemical manufacturers and processors to help defray up to 25% of some of the costs associated with overall TSCA implementation efforts. TSCA fees collected so far under this rule were approximately half of the 25% target. Adjusting these fees for inflation is an important step towards ensuring the TSCA program has the resources it needs to implement the new requirements of the law in a way that's both protective and sustainable. The fee adjustment will not be retroactive and will not impact previous fee invoicing.
- EPA will issue the **final cancellation order for the uses of two pesticide products containing the active ingredient aldicarb** on oranges and grapefruit in the state of Florida. This order notifies the public that it is a violation of the Federal Insecticide, Fungicide, and Rodenticide Act for any person to sell, distribute, or use existing stocks of aldicarb products for these uses. Because the Florida Department of Agriculture and Consumer Services never authorized the use of aldicarb on oranges and grapefruit in Florida, there are no existing stocks of aldicarb products with these uses

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in the State that require stock provisions. On **January 12**, EPA announced the registration of aldicarb for limited use on oranges and grapefruit in Florida as a tool against citrus greening. On **June 7**, the U.S. Court of Appeals for the District of Columbia, in response to a suit brought against EPA by the Farmworker Association of Florida, et al., vacated EPA's registration of aldicarb for these uses on the basis that EPA did not make an Endangered Species Act (ESA) determination prior to approving that use of aldicarb, in violation of section 7(a)(2) of the ESA.

Office of Enforcement and Compliance Assurance

Hot Topics

- **Man Indicted for Illegally Transporting Hazardous Waste from Hawaii Laundry Company:** In January 2017, Anthony Gilstrap agreed to remove drums of RCRA-listed hazardous waste perchloroethylene from Young Laundry & Dry Cleaning (YLD), owned by U.S. Dry Cleaning Corp. (USDC). When a Hawaii Department of Health inspector later tried to locate the missing drums, Gilstrap lied about their whereabouts. On **November 5**, Gilstrap was charged in the District of Hawaii with violating RCRA by transporting hazardous waste without a required manifest, falsifying a hazardous waste manifest, and storing hazardous waste without a permit.
- **Former Iowa Council Member Sentenced for Environmental Crimes:** Beginning in June 2015 through January 2017, Aaron Rochester, the owner, and operator of Recycletronics, knowingly and unlawfully, stored and transported over 2 million pounds of hazardous waste, namely CRTs (cathode ray tubes) and leaded glass from televisions and computers at various facilities in and around Sioux City, Iowa. Rochester pleaded guilty to one count unlawful storage of hazardous waste and one count unlawful transportation of hazardous waste. On **November 8**, Rochester was sentenced to a three-year term of probation and ordered to pay over \$4 million in restitution to victims.

Office of General Counsel

Hot Topics

- New Decision: *TTMA v. EPA* (D.C. Cir.) – On **November 12**, The DC Circuit concluded that trailers (i.e., the cargo vehicle pulled by a tractor as part of a heavy duty "tractor trailer") are neither motor vehicles for purposes of the EPA's CAA GHG authority nor vehicles for purposes of NHTSA's CAFE authority and vacated the standards. Judge Millett concurred on EPA's authority but dissented on NHTSA's authority.

Miscellaneous

- New Litigation: *Comite Progresso De Lamont, et al v. EPA* – On **November 11**, Comite Progresso De Lamont, et al, filed a mandatory duty lawsuit against EPA for failure to promulgate a federal implementation plan (FIP) by **January 7**, to address all unmet nonattainment plan requirements in the San Joaquin Valley area of California for the 1997, 2006, and 2012 PM_{2.5} NAAQS.

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Office of International and Tribal Affairs**Hot Topics**

- Administrator Michael Regan led the EPA delegation at the United Nations Framework Convention on Climate Change (UNFCCC) 26th Conference of the Parties (COP26) in Glasgow, Scotland, on **November 9 - 10**. Administrator Regan participated in several EPA hosted events, U.S. Pavilion events, other events, and bilateral meetings to support U.S. goals and priorities at COP26. On **November 9**, Administrator Regan participated in the “Further, Faster, Together: A State-Federal Partnership for a Net-Zero Future” event with the Governors of Hawaii, Oregon and Washington; and moderated a panel discussion on “Securing the Climate Benefits of the Global HFC Phasedown: Preventing Illegal Trade in HFCs.” On **November 10**, Administrator Regan participated in the 4th Zero Emission Vehicle Transition Council (ZEVTC) ministerial meeting and announced that he will serve as Co-chair of the ZEVTC starting in 2022. On **November 10**, Administrator Regan also participated in a roundtable discussion with Speaker Nancy Pelosi and the Congressional Delegation on EPA’s actions to tackle the climate crisis and environmental justice.
- At COP26 on **November 11**, EPA hosted a roundtable discussion with youth leaders on the key role their generation is playing to address climate change and pursue environmental justice. The Assistant Administrator for the Office of International and Tribal Affairs, Jane Nishida, provided opening remarks and moderated the panel discussion which included youth leaders from the United States, Canada, Sudan, Saami Council, and India. Principal Deputy Assistant Administrator of the Office of Air and Radiation, Joe Goffman, also participated in a Methane Moment Pavilion event to discuss EPA’s regulatory actions on methane.
- On **November 15 and 16**, the White House convened the White House Tribal Nations Summit which included key deliverables that EPA has instrumental in developing through the White House Council on Native American Affairs. On **November 15**, President Biden announced that 17 agency heads had signed the Tribal Treaty Rights Memorandum of Understanding (MOU) which affirms the federal government’s duty to protect treaty rights. In addition, the President announced a Sacred Sites MOU and Statement on Indigenous Knowledge.
- November is Native American Heritage Month and EPA is organizing several events to commemorate the Native American Heritage Month, including an Agency-wide event scheduled for Thursday, **November 18**, consistent with the President’s “[HYPERLINK "https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.whitehouse.gov%2Fbriefing-room%2Fpresidential-actions%2F2021%2F10%2F29%2Fa-proclamation-on-national-native-american-heritage-month-2021%2F&data=04%7C01%7CHackel.Angela%40epa.gov%7Ccbcc3e7d6e384708d07d08d99d8f476b%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637714061023064642%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhWwiLCJXVCi6Mn0%3D%7C1000&sdata=wFkdc%2BV%2FTVOne5Jxvx9dD5tUBIjTZyYZPiwlv4fRDrl%3D&reserved=0"].” In addition, EPA’s AI/AN Special

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Emphasis Program Managers (SEPM) is co-sponsoring a brown-bag with the Office of Environmental Justice featuring an Alaska Native tribal elder on **November 17**.

Office of Land and Emergency Management

Acting Assistant Administrator Signature Items

- **Oak Ridge Letter.** OLEM is working closely with OECA, R4, and other offices on the response letter to the Tennessee delegation regarding the timeline for EPA's approval of the Record of Decision for the Environmental Management Disposal Facility at the Oak Ridge Reservation. (OLEM POC: Greg Gervais, [[HYPERLINK "mailto:Gervais.gregory@epa.gov"](mailto:Gervais.gregory@epa.gov)], 202-564-4409)

Hot Topics

- **Underground Storage Tanks (USTs).** On **November 15**, Alabama became the 23rd state program to be approved under the 2015 federal UST regulation.
- **Continuous Releases Reporting Final Rule.** This rule was published in the Federal Register on **November 12**.
- **Risk Management Program (RMP) Retrospection Notice of Proposed Rulemaking (NPRM).** On **November 9**, OMB and EPA met to discuss potential environmental justice concerns and the comments received at the public meetings. OLEM is preparing for options selection in December.
- **National Recycling Strategy.** The Agency released this strategy on **November 15**.
- **Coal Combustion Residuals (CCR).**
 - The notice re-opening the comment period for 60 days for the CCR Beneficial Use and Waste Piles NODA was published in the Federal Register (FR) on **March 12**. The public comment period ended on **May 11**.
 - We are developing the first batch of responses to applications for extensions past the deadline to cease receipt of waste. The regulations toll the deadline until the Agency acts on the applications. We are working closely with OGC, OECA, affected regions, and others.
- **Ongoing major Federal Facilities and Superfund National Priorities List (NPL) sites.** We are working with R4 on Oak Ridge Reservation; R5 on Sandoval and Little Scioto; R6 on Chevron/Questar; R7 on Big River Watershed; and R9 on Hunters Point Naval Shipyard.
- **National Brownfields Training Conference.** This conference has been postponed to 2022 (date TBD).

Office of Mission Support

Acting Assistant Administrator Signature Items

- On **November 15**, the Acting Principal Deputy Assistant Administrator signed the "2022 Nominations for the U.S. Environmental Protection Agency Executive Resources and Performance Review Boards" memorandum, which requests agency leadership to nominate executives who demonstrate or express an interest in the management and effectiveness of the agency's executive resource programs. Responses are due **December 1**.

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Hot Topics

- The Office of Mission Support is hosting 3 information sessions for supervisors and managers, to provide summary information on the status of the agency's reentry planning and details on additional workforce flexibilities that will be offered via new telework, remote work and work schedule policies.
- On **November 10** the OMS/OARM-RTP Acting Director participated on a panel discussion for the Partnership for Public Service on the "The Future of Work." He was joined by senior executives from OPM, IRS, and Department of Education. The event was attended by Partnership for Public Service alumni from across the country representing every executive branch agency.
- The first draft of the Grants Management Technology Playbook was completed on **November 12**. The Chief IT Architect is working to provide this playbook to owners of grants management systems, to deliver options for modernizing their applications and taking advantage of services, technologies, and approaches that can resolve current challenges of implementing grants management processes.
- Following Administrator Regan's September [HYPERLINK "https://www.epa.gov/newsreleases/us-will-dramatically-cut-climate-damaging-greenhouse-gases-new-program-aimed-chemicals"] and final rule on dramatically reducing Greenhouse Gases and specifically Hydrofluorocarbons (HFC's), the Office of Information Management (OIM) updated the [HYPERLINK

Ex. 6 Personal Privacy (PP)

] with the revised environmental regulation data so that facilities subject to the new reporting requirements for HFC's can accurately report in Agency mission critical systems.

Office of Policy

Associate Administrator Signature Items

- **Signed November 15: Associate Administrator Arroyo signed (OP)** FERC Final Environmental Impact Statement (EIS) comment letter - Evangeline Pass Expansion Project. Because FERC's response to EPA indicated it is reviewing the policy statement for new gas facilities to better address impacts from GHG emissions and is holding a Technical Conference to identify practical mitigation for GHG emission impacts, EPA is asking FERC to revisit the project's NEPA analysis in light of any policy update and to fully disclose GHG emissions and climate impacts. Although similar to the FERC East Lateral Xpress and East 300 Upgrade Final EIS comment letters, EPA's estimate of climate damages for Evangeline Pass is significantly larger because it is a larger project. (OP POC: Rob Tomiak, [HYPERLINK "mailto:Tomiak.Robert@epa.gov"], (202) 597-0766)
- **Signature by November 29: Associate Administrator Arroyo signed (OP)** FERC Final EIS comment letter – North Baja Xpress Project. Similar to the FERC East Lateral Xpress, East 300 Upgrade, and Evangeline Pass Expansion Final EIS comment letters, EPA is requesting FERC fully disclose GHG emissions and impacts of the project and revisit the NEPA analysis based on any policy update related to their current policy statement review. (OP POC: Rob Tomiak, [HYPERLINK "mailto:Tomiak.Robert@epa.gov"], 202-597-0766)

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Hot Topics

- OMB has issued a request for the compilation of the **Fall 2021 Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions**. Interagency review of EPA's agenda is underway. The agenda is projected to be published in November 2021.
- **Biweekly National EJ Engagement Calls-** On **November 9**, the Office of Environmental Justice (OEJ) hosted another biweekly engagement call. This was a highly attended (300 participants) and very engaging session, which was mainly attributed to the Justice40 focus on the Superfund remedial program.
- **Local Foods Local Places Technical Assistance in Culebra, PR: November 8 - 10**, on the island of Culebra, the group *Mujeres de Islas* collaborated with the local municipality and businesses to address food insecurity and build a more sovereign and sustainable local food system for residents. The group is interested in developing an island-wide organic composting initiative coupled with an urban vegetable and fruit gardening initiative and will also coordinate with ongoing revitalization efforts in downtown Culebra.

Office of Research and Development

Acting Assistant Administrator Signature Items

- Amendment to delegation of Authority for Human Subjects Research Review Official appointing Dr. Bruce Rodan to serve as acting Human Subjects Research Review Official. (ORD POC: Mary Ross, [[HYPERLINK "mailto:Ross.mary@epa.gov"](mailto:Ross.mary@epa.gov)], 571-255-0127)

Hot Topics

- **Society of Environmental Toxicology and Chemistry (SETAC) live session November 18:** ORD is participating in a live session through the Society of Environmental Toxicology and Chemistry (SETAC) on "Developing a STEAM (science, technology, engineering arts and mathematics) Outreach Program", which aims to explore and connect scientists with organizations, particularly in underserved or environmental justice communities, and demonstrate activities that can be conducted on a limited budget.
- **ORD Strategic Research Action Plan (StRAP) Output Webinars (November 18)** ORD's National Program Directors (NPDs) will be presenting the FY23-FY26 Outputs for their respective National Research Programs on **November 16 - 18**.
- **The Clean Air Scientific Advisory Committee (CASAC) Particulate Matter (PM) ISA Supplement Peer Review Panel Public Meetings (November 17, 18, and 19):** On **November 17**, CASAC is reviewing public comments on the [[HYPERLINK "https://cfpub.epa.gov/ncea/isa/recordisplay.cfm?deid=352823"](https://cfpub.epa.gov/ncea/isa/recordisplay.cfm?deid=352823)]. On **November 18 and 19**, CASAC

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is deliberating on the Draft ISA Supplement Charge Questions. Additional meetings are scheduled on **December 1 and 2**. This effort is part of EPA's ongoing reconsideration of the primary (health-based) and secondary (welfare-based) PM National Ambient Air Quality Standards. See meeting info here: [HYPERLINK

"https://casac.epa.gov/ords/sab/f?p=105:19:27122190528555:::RP,19:P19_ID:962"].

- **Lead Exposure and Prevention Advisory Committee (LEPAC) Meeting (December 3):** ORD is presenting on EPA's Lead (Pb) mapping efforts, specifically efforts to identify populations at higher risk of Pb exposure. LEPAC is chartered to provide advice and guidance to the Secretary, HHS; the Director, CDC; and the Administrator, ATSDR.
- **Board of Scientific Counselors (BOSC):** Several BOSC meetings will take place in the coming weeks. Information on the below meetings can be found on the [HYPERLINK "https://www.epa.gov/bosc"].
- The Chemical Safety for Sustainability and Health and Environmental Risk Assessment Subcommittee will meet **November 18**, from 11 a.m. to 2 p.m. ET for a deliberation to review the recent progress and activities of the Chemical Safety for Sustainability (CSS) research program.
- The Sustainable and Healthy Communities Subcommittee will meet **November 19**, from 11 a.m. to 2 p.m. ET for a final deliberation to discuss waste and sustainable materials management research.
- On **November 23**, the BOSC Executive Committee will meet to discuss their draft responses to the charge questions from the **October 29 - 30** BOSC Executive Committee meeting on the implementation of ORD's PFAS research and development portfolio.

Office of Water

Assistant Administrator Signature Items

- On **November 15**, OW AA Radhika Fox signed the transmittal of the final "2022 National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Construction Activities" (2022 CGP) to the Office of Management and Budget for interagency review under Executive Order 12866. The 2022 CGP will replace the 2017 CGP, which expires on **February 16, 2022**. (OW POC: Andrew Sawyers, [HYPERLINK "mailto:Sawyers.Andrew@epa.gov"], 202-564-5668)
- On **November 17**, OW AA Radhika Fox will transmit a letter to the Acting Assistant Secretary of the Army for Civil Works regarding the Yazoo Pumps Project. In the letter, EPA explains that the 2020 Proposed Plan for the Yazoo Pumps Project is prohibited by EPA's 2008 Clean Water Act Section 404(c) Final Determination. (OW POC: Andrew Sawyers, [HYPERLINK "mailto:Sawyers.Andrew@epa.gov"], 202-564-5668)

Hot Topics

- On **November 18**, EPA, and the Department of the Army (the agencies) will issue a proposed rule to restore the regulations defining "waters of the United States" (WOTUS) in place for decades

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until 2015, updated to be consistent with relevant Supreme Court decisions. The agencies have committed to expeditiously restoring the definition of WOTUS, consistent with Executive Order 13990. Once published in the *Federal Register*, public comments will be received for 60 days.

Miscellaneous

- Next week, OW AA Radhika Fox, OCIR Deputy Associate Administrator Radha Adhar, and OW Senior Advisor Sylvia Quast will be traveling to Bismarck, North Dakota to attend a lunch, WOTUS listening session, a North Dakota rural water facility tour, and associated press events organized by Senator Cramer's office. In addition, AA Fox will attend a farm tour and have a discussion with agriculture associations and producers organized by R8.